

**UTILITIES DIVISION[199]**

**Adopted and Filed**

**Rule making related to electric transmission lines**

The Utilities Board hereby amends Chapter 11, “Electric Lines,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 478 and section 474.5(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 478.

*Purpose and Summary*

The Board opened this rule making to provide clarity on the issue of whether an electric transmission line company is required to seek an amendment to a Board-issued electric transmission line franchise when the company constructs a new substation or switching station along and connected to an existing franchised electric transmission line. Under the existing rules, the Board concluded an amendment is necessary; however, as a matter of policy, the Board determined that notice, as opposed to an amendment, will serve the regulatory objectives. Consequently, this rule making clarifies that an amendment to the existing franchise under these circumstances is not necessary. The rule making further provides electric transmission line companies greater flexibility in seeking an extension of an existing electric transmission line franchise and in voluntarily withdrawing a petition.

All Board orders relating to this rule making, all comments received by the Board, and the public hearing transcript are available on the Board’s electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under Docket No. RMU-2022-0011.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 22, 2023, as **ARC 6918C**. A public hearing was held on March 28, 2023, at 10 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

On March 28, 2023, the Board conducted a public hearing attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; ITC Midwest, LLC (ITC Midwest); and MidAmerican Energy Company (MidAmerican). ITC Midwest and MidAmerican expressed support for the amendments as published in the Notice. The OCA stated that it had no objection to any of the proposed amendments with one exception. With respect to that exception, the OCA requested that “completion” be substituted for “commencement” in the portion of subrule 11.10(4) regarding notice of construction.

The Board received written comments from the Iowa Association of Electric Cooperatives (IAEC), the OCA, ITC Midwest, and MidAmerican. The IAEC, ITC Midwest, and MidAmerican expressed support for the amendments as published in the Notice. The OCA stated that it had no objection to the amendments with one exception; specifically, the OCA requested that the time period for providing notice in subrule 11.10(4) run from the commencement of construction rather than the completion of construction.

No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on April 17, 2023.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

No waiver provision is included in the amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 11.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend paragraphs **11.6(1)“b”** and **“c”** as follows:

*b.* Constructing an additional ~~circuit~~ line which is capable of operating at a nominal voltage of 69 kV or more on a previously franchised line, where an additional ~~circuit~~ line at such voltage is not authorized by the existing franchise.

*c.* Relocating a franchised line to a route different from that authorized by an existing franchise, including the construction of tap(s) to a substation or switching station, which requires that new or additional interests in property be obtained, or that new or additional authorization be obtained from highway or railroad authorities, for a total distance of one route mile or more, or for any relocations where the right of eminent domain is sought. An amendment is not required for relocations made pursuant to Iowa Code section 318.9(2).

ITEM 2. Amend subrule 11.8(2) as follows:

**11.8(2) *Date for filing petition for extension.*** A petition for an extension of a franchise shall be filed at least one year, and no more than five years, prior to expiration of the franchise. This requirement is not applicable to extensions of franchises that expire within one year of September 2, 2020. Extensions of existing countywide franchises are permitted; however, petitions to extend the franchises of separate transmission lines within a county by combining those transmission lines into a countywide franchise are not permitted using the franchise extension process.

ITEM 3. Amend subrule 11.10(4) as follows:

**11.10(4) *Notice of ~~relocations~~ construction not requiring an amendment to a franchise.*** Whenever a transmission line under franchise is relocated or is reconstructed with different materials or specifications than those that appear on the most recent Exhibit C, or taps to a new substation or switching station are constructed along and connected to the franchised line in a manner that does not require an amendment to a franchise, the holder of the franchise shall notify the board in writing of the relocation construction, stating the franchise and docket numbers and date of franchise issuance for the affected transmission line, and providing revised Exhibits A, ~~and B, and C~~, as applicable, that reflect the changes in the route, not more than 30 days after the ~~commencement~~ completion of the relocation construction.

ITEM 4. Rescind subrule **11.10(5)**.

ITEM 5. Amend subrule 11.12(1) as follows:

**11.12(1)** *Termination of docket.* Upon written notice to the board by an electric company that a franchise petition or petition for amendment of a franchise is withdrawn, the docket shall be closed ~~by board order.~~

[Filed 4/18/23, effective 6/21/23]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.